in exercise of the police power of the state. 26 AM. & ENG. ENCY. OF LAW, (Ed. 2) 661, 662, and cases cited. And in COOLEY, CONST. LIM. *195, the limitation on the power in a municipal corporation to control the owners of property is stated thus: "Except as to incidental powers, and which need not be, though they usually are, mentioned in the charter, the charter itself on the general law under which they exist, is the measure of the authority to be exercised. And the general disposition of the courts in this country has been to confine municipalities within the limits that a strict construction of the grants of powers in their charters will assign to them; thus applying substantially the same rule that is applied to charters of private incorporation." The application of these principles to the statute under consideration, which it must be admitted is very broad in its terms, seems to justify the conclusion of the court that the words "'all repairs' should be limited to mean such repairs as affect the fire risk"

MUNICIPAL CORPORATIONS—POLICE POWER—HEALTH—VALIDITY OF ORDINANCE REGULATING LOCATION OF LAUNDRIES.—A Chinese laundryman, detained in custody for violation of an ordinance prohibiting the operating of a public laundry in any portion of a building used as a store, petitioned for a writ of habeas corpus. *Held*, that the ordinance is not unreasonable or oppressive, but is a valid exercise of police power to promote the public health and the writ must be denied. *Ex parte San Chung* (1909), — Cal. App. —, 105 Pac. 609.

The police power is very broad and is exercised to promote public health but it is subordinate to the constitution. *In re Jacobs*, 98 N. Y. 98, 50 Am. Rep. 636; *Ex parte Sing Lee*, 96 Cal. 354, 356, 31 Pac. 245, 246, 24 L. R. A. 195, 31 Am. St. Rep. 218. And the courts will declare invalid a law which is a mere pretense to protect public health or which passes "entirely beyond the limits which bound the police power, and infringes upon rights secured by the fundamental law." *Ex parte Whitwell*, 98 Cal. 73, 78, 32 Pac. 870, 872, 19 L. R. A. 727, 35 Am. St. Rep. 152; *Mugler* v. *Kansas*, 123 U. S. 623, 661, 8 Sup. Ct. 273, 297, 31 L. Ed. 205. But the fact that a regulation designed to promote the public health imposes unequal restrictions on different persons does not furnish just ground for declaring the law void. *Barbier* v. *Connolly*, 113 U. S. 27, 31, 5 Sup. Ct. 357, 359, 28 L. Ed. 923. Although the foregoing principles are well established yet it is often difficult to apply them in a particular case. A consideration of modern ideas in sanitation and "the broader conception of the duty of the municipality in regard to the preservation and protection of the public health" forces us to the conclusion that although formerly such an ordinance as that in question might have been "regarded as an unwarranted encroachment upon the rights of the individual," the court in the case under discussion made a proper application of well settled principles.

NEGLIGENCE—LIABILITY OF PROPRIETOR OF PLACE OF AMUSEMENT TO CUSTOMER.—The plaintiff went into a billiard hall, of which the defendants were joint owners, for the purpose of playing a game of pool. While peaceably enjoying his game, with one of the proprietors present, a fight started among some intoxicated occupants of the resort, during which one of the disorderly

persons struck the plaintiff, destroying the sight of one eye. *Held,* that a customer of a billiard hall is there by the invitation of the proprietors whose duty it is to protect him from the misconduct of employees or other customers. *Moone* v. *Smith* (1909), — Ga. App. —, 65 S. E. 712.

Before a recovery can be had for an injury caused by negligence, a duty to the person injured must be shown as owing from the person causing the injury. *Kahl* v. *Love,* 37 N. J. L. (8 Vroom.) 5; *Williams* v. *Chi. & A. R. Co.* 135 Ill. 491, 11 L. R. A. 352; *Western Md. R. Co.* v. *Kehoe,* 83 Md. 434, 35 Atl. 90. The owner of premises who induces others to come upon it by invitation, owes to them the duty to use ordinary care to keep the premises in a safe condition. *Buckingham* v. *Fisher,* 70 Ill. 121; *John Spry Lumber Co.* v. *Duggan,* 80 Ill. App. 394; *Barrett* v. *Lake Ontario Beach Imp. Co.,* 174 N. Y. 310, 66 N. E. 968, 61 L. R. A. 829. This invitation arises in the case of persons attending public places of amusement. *Latham* v. *Roach,* 72 Ill. 179; *Bass* v. *Reitdorf,* 25 Ind. App. 650, 58 N. E. 95; *Richmond &c. R. Co.* v. *Moore,* 94 Va. 493, 27 S. E. 70, 37 L. R. A. 258. The invitation is sufficient, the element of pecuniary profit to the owner not being essential. 1 THOMP. NEG. § 968; *Hartman* v. *Muehlebach,* 64 Mo. App. 565. One maintaining a public place of amusement is bound to use ordinary care to secure the safety of persons visiting the premises. *Hart* v. *Washington Park Club,* 157 Ill. 9, 41 N. E. 620, 29 L. R. A. 492; *Barrett* v. *Lake Ontario Beach Imp. Co.,* supra; *Scott* v. *University of Michigan Ath. Ass'n.,* 152 Mich. 684, 116 N. W. 624, and liability exists for injury caused by failure to protect visitors from intoxicated persons. *Masted* v. *Swedish Brethren,* 83 Minn. 40, 85 N. W. 913, 53 L. R. A. 803. The same rule should apply, though, perhaps, with a lesser degree of care, as is applied in the case of a common carrier with respect to its passengers. *Masted* v. *Swedish Brethren,* supra. This rule is that extraordinary care in the protection of passengers is required. *Hillman* v. *Georgia R. Co.,* 126 Ga. 814, 56 S. E. 68; *Brunswick & W. R. Co.* v. *Ponder,* 117 Ga. 63; *Murphy* v. *Union Ry. Co.,* 118 Mass. 228.

NEGLIGENCE—RES IPSA LOQUITUR—ANIMAL FRIGHTENED BY SEARCH LIGHT. —The plaintiff was driving along a public street when his horse, a gentle animal, became frightened at a search light, from defendant's amusement park, being thrown upon it, whereupon it ran away, injuring the plaintiff severely. *Held,* such negligence on the part of the defendant was shown as to cause liability for the injury. *Maiss* v. *Metropolitan Amusement Ass'n.* (1909), — Ill. —, 89 N. E. 268.

One who inflicts injury by reason of negligence is liable, even though the act was lawful. *Baltimore &c. R. Co.* v. *Reaney,* 42 Md. 117; *St. Nicholas Skating &c. Co.* v. *Cody,* 26 Misc. (N. Y.) 764; *Tally* v. *Ayres,* 35 Tenn. (3 Sneed) 677. The fact that the act was in good faith is not material. *Western &c. R. Co.* v. *Vaughan,* 113 Ga. 354, 38 S. E. 851; *Lincoln* v. *Buckmaster,* 32 Vt. 652. Merely calling the act from which the injury occurred, an accident will not avoid liability arising as the result of negligence. *McGrew* v. *Stone,* 53 Pa. St. 436; *Beach* v. *Parmeter,* 23 Pa. St. 196. When the act complained of is not wrong in itself, it is essential that the conse-